

PLANNING COMMISSION REPORT



Meeting Date: May 22, 2019
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Health Club - CUP 1-UP-2019

Request to consider the following:

1. A recommendation to City Council regarding a request by owner for a Conditional Use Permit for a bar use to allow alcohol consumption/sales within an approximately +/- 13,000 square feet area of a +/- 40,000 square feet health & Fitness studio at Scottsdale Fashion Square, with Downtown Regional Use Type 2, Planned Block Development Downtown Overlay (D/DRU-2 PBD DO) zoning located at 4724 N. Goldwater Blvd.

Goal/Purpose of Request

To allow alcohol service in association with a health & fitness studio at Scottsdale Fashion Square Mall.

Key Items for Consideration

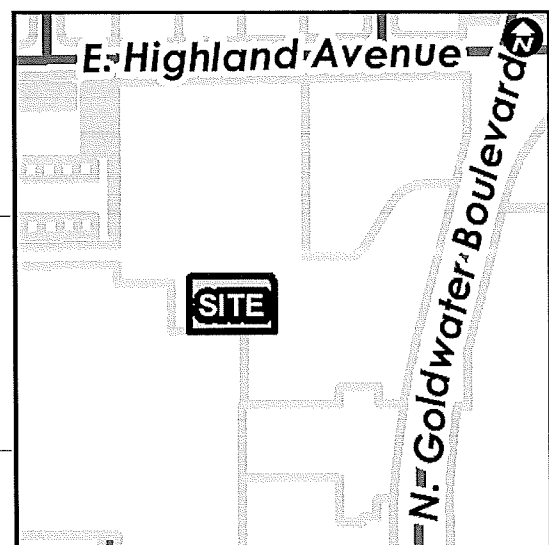
- Conditional Use Permit Criteria
- Use limited to members of the health club
- No public comment received

OWNER

Macerich
Andy Greenwood
602-953-6338

APPLICANT CONTACT

Andy Greenwood
602-953-6338



LOCATION

4724 N. Goldwater Boulevard

BACKGROUND

General Plan

The Land Use Element of the General Plan designates the site as Mixed-Use Neighborhoods. This category includes higher density residential, office and retail uses. Mixed-Use Neighborhoods are also characterized within areas that have multiple modes of transportation available.

Character Area Plan

The Downtown Future Land Use map of the Old Town Scottsdale Character Area Plan designates the site as Downtown Regional Type 3 within the Scottsdale Fashion Square District. This land use is characterized to primarily consist of regional/community serving commercial uses, as well as larger scale housing developments that are commonly centered around or near major regional retail developments.

Zoning

This site is zoned Downtown/Downtown Regional Use - Type 2, Planned Block Development, Downtown Overlay (D/DRU-2 PBD DO), which allows large-scale development of office, commercial, retail, and residential uses in a mixed-use format. Scottsdale Fashion Square recently received approval from the City Council for a zoning district map amendment to the current D/DRU-2 PBD DO zoning district, which included a master development plan for the property.

Context

The subject property is located at 4724 N. Goldwater Boulevard, in the area of the proposed luxury entrance to Scottsdale Fashion Square Mall. The luxury entrance is west of Goldwater Boulevard on the northern side of the mall, near Dillard's. Within the vicinity of the proposed bar location are mainly retail, and restaurant uses. There are single-family residences approximately 450 feet to the north, and multi-family residential uses approximately 150 feet to the northwest. Within the greater vicinity of the mall area there are additional office, retail, restaurant, service, and residential uses. Please refer to context graphics attached.

APPLICANTS PROPOSAL

Development Information

The proposed health & fitness studio will be located in a new building adjacent to the eastern wall of the Dillard's building, on a pad that was previously occupied by a parking structure. A portion of the parking structure has been removed to allow for construction of the new pad. The health & fitness studio is a 4-level full-service fitness club featuring personal trainers, group fitness classes, and spas. The proposed bar will operate in conjunction with a café, serving light food and other non-alcoholic beverages. The café food and bar service and preparation is located on the 3rd floor,

adjacent to an outdoor swimming pool and open terrace, with lounges and seating. Additionally, food and alcohol service is available on the 4th floor in an enclosed co-work area and adjacent terraces.

- Existing Use: Vacant/Parking
- Proposed Use: Health & Fitness Studio w/ bar
- Parcel Size: 6.09 acres
- Building Height Allowed: 150 feet
- Building Height Proposed: 74 feet
- Parking Required: 6,100 spaces (entire mall)
- Parking Provided: 8,158 spaces, plus 350 in-lieu spaces (entire mall)
- Floor Area: 39,410 square feet

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **There are no anticipated impacts arising from noise, smoke, odor, dust, vibration or illumination. No live entertainment is proposed within the establishment. The proposed bar use is location within, and accessory to, a health & fitness studio. Unlike typical restaurant and nightclub bars, the proposed health club bar is intended to provide additional space to relax and socialize after workouts. There is an existing multi-level parking structure which provides a physical barrier between the proposed use and nearby properties. The outdoor lounge area on the 3rd floor is bounded by solid walls and landscaping to provide additional barriers.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The unit that is proposed to be a bar is located at Scottsdale Fashion Square Mall, which fronts on to: North Scottsdale Road and North Goldwater Boulevard, which are Major Arterial streets; East Camelback Road, which is Minor Arterial street; and East Highland Avenue, which is a commercial street.**

The proposed use is not anticipated to change the existing traffic characteristics of these streets and the traffic generated by Scottsdale Fashion Square Mall.

- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **The proposed bar use is compatible with surrounding uses, including office, retail, personal care services, restaurants that do not serve alcohol, and restaurants that do serve alcohol operating in Scottsdale Fashion Square Mall.**
- C. The additional conditions in Section 1.403, as applicable, have been satisfied.
1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - **The proposed bar is not anticipated to disrupt existing balance of daytime and nighttime uses in Scottsdale Fashion Square Mall. The proposed bar is accessory to a health & fitness studio which will be operating during daytime and nighttime hours.**
 2. The use shall not disrupt pedestrian-oriented daytime activities.
 - **The proposed bar is not anticipated to disrupt the pedestrian-oriented daytime activities that occur within and on the exterior of Scottsdale Fashion Square Mall. The proposed bar is accessory to a health & fitness studio which will be operating during daytime and nighttime hours.**
 3. If the site is located within the downtown overlay district, then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - **The proposed bar use will not displace any daytime retail uses. The proposed health & fitness studio will be in a location that was previously parking. The health & fitness studio space will enhance other daytime retail uses inside the mall by attracting new visitors and groups to the mall.**
 - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
 - **Scottsdale Fashion Square Mall provides 8,158 parking spaces throughout the approximate sixty-five (65) acre complex. There is a parking structure location directly adjacent to the health & fitness studio.**
 4. If the use is located within five hundred (500) feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.

- The proposed use is located within 500 feet of existing single-family residential to the north on Highland Avenue, as well as existing multi-family uses approximately 150 feet to the northwest. The proposed bar use is located within, and accessory to, a health & fitness studio. Unlike typical restaurant and nightclub bars, the proposed health club bar is intended to provide additional space to relax and socialize after workouts. There is an existing multi-level parking structure which provides a physical barrier between the proposed use and the existing residential. The outdoor lounge area on the 3rd floor is bounded by solid walls and landscaping to provide additional barriers. The proposed bar use is not anticipated to adversely impact residential uses.
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - A Security, Maintenance and Operations Plan and a Public Safety Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Division. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Department and the Scottsdale Police Department.
 6. The applicant shall create a written exterior refuse control plan for approval by the City.
 - The bar use will comply with the exterior refuse control plan for Fashion Square mall that has been approved by the City.
 7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - All operations of the proposed use will occur within the health & fitness studio. The outdoor lounge area on the 3rd floor is bounded by solid walls and landscaping to provide visual barriers and screening. Any other noise concerns within the mall area are anticipated to be handled by the Scottsdale Fashion Square Mall's security personal.
 8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - Scottsdale Fashion Square Mall is required 6,100 parking spaces and provides 8,158 spaces.
 - The proposed use is not anticipated to change the existing traffic characteristics of these streets and the traffic generated by Scottsdale Fashion Square Mall's.
 9. After hours establishments must maintain a valid after-hours establishment license.
 - No afterhours activities are proposed as part of this application.

Liquor License Review

A separate Liquor License has yet to be submitted but will need approval by the Arizona State Liquor Board prior to operating as a bar at this location. It is anticipated that the owner will be applying for a Series 6 (Bar) liquor license.

Community Involvement

The applicant has notified all property owners and homeowner associations within 750 feet of the site. A summary of the Citizen Involvement is included as Attachment #6. The city also notified all property owners within 750 feet of the site. As of the date of this report, staff has not received any public comments regarding the proposed bar use.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval of a Conditional Use Permit for a bar use to allow alcohol consumption/sales within an approximately +/- 13,000 square feet area of a +/- 40,000 square feet health & Fitness studio at Scottsdale Fashion Square, with Downtown Regional Use Type 2, Planned Block Development Downtown Overlay (D/DRU-2 PBD DO) zoning located at 4724 N. Goldwater Blvd.

RESPONSIBLE DEPARTMENT(S)

Planning and Development Services

Current Planning Services

STAFF CONTACT(S)

Bryan Cluff
Senior Planner
480-312-2258
E-mail: bcluff@ScottsdaleAZ.gov

APPROVED BY



Bryan Cluff, Report Author

5/14/19

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

5/14/2019

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

5/14/19

Date

ATTACHMENTS

1. Context Aerial
- 1A. Aerial Close-Up
2. Stipulations
Exhibit A to Attachment 1: Floor Plan
3. Applicant's Narrative
4. Site Plan
5. Zoning Map
6. Citizen Involvement
7. City Notification Map

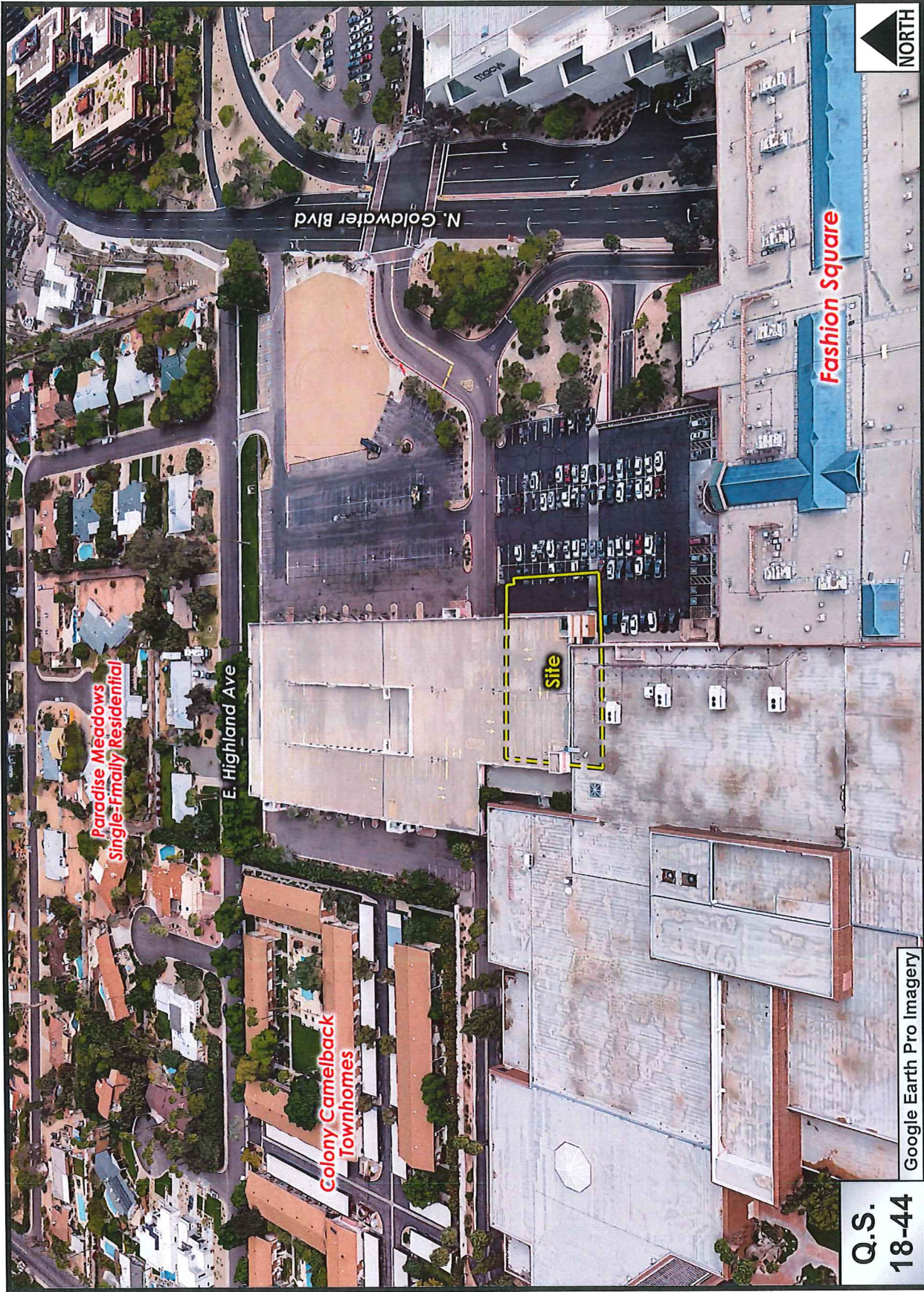


Q.S.
18-44

Google Earth Pro Imagery

Health Club - Cup

1-UP-2019



1-UP-2019

Health Club - Cup

Q.S.
18-44

Google Earth Pro Imagery

Conditional Use Permit – Bar

Stipulations

Health Club - CUP

Case Number: 1-UP-2019

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN. The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Macerich, and with the city staff date of 3/6/19, attached as Exhibit A to Attachment 1. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. NO LIVE ENTERTAINMENT. This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request.
3. HOURS OF BAR OPERATIONS. The hours of the bar operations for this establishment shall be limited to:

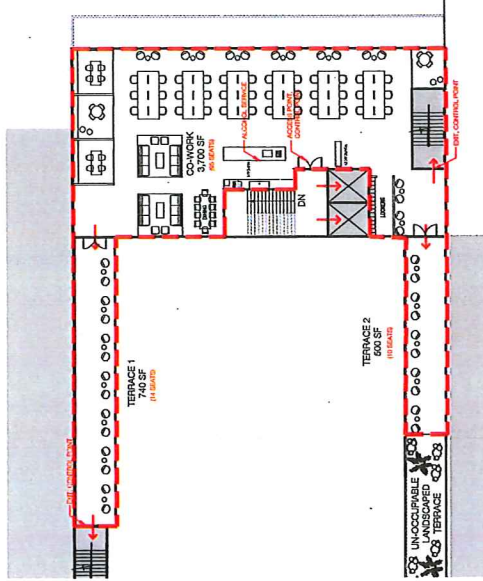
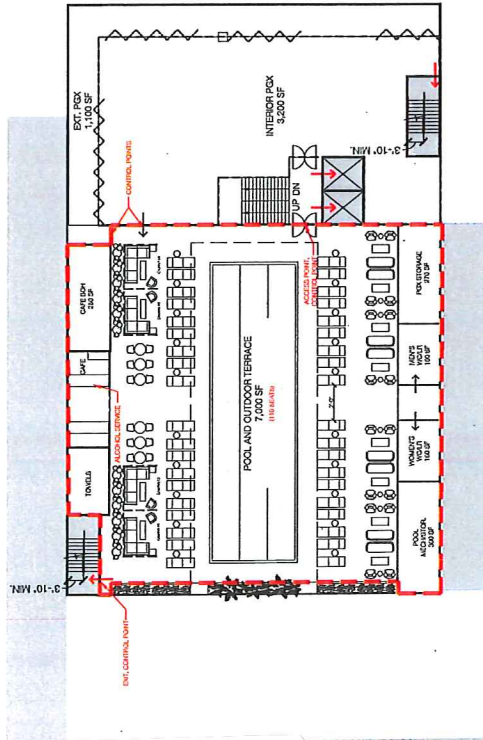
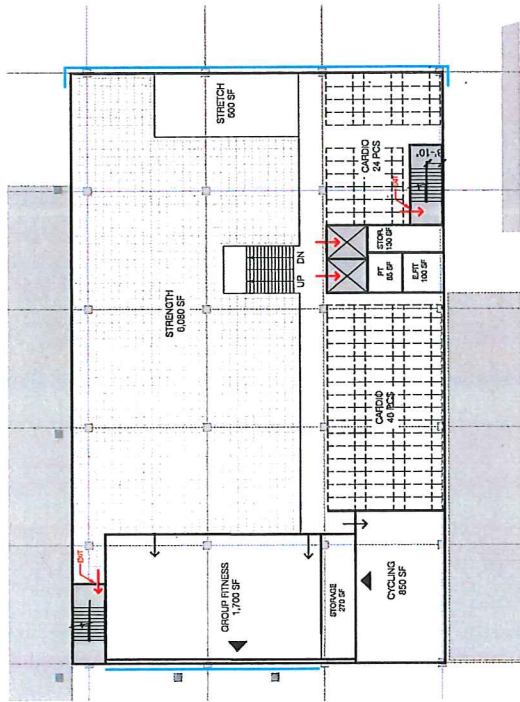
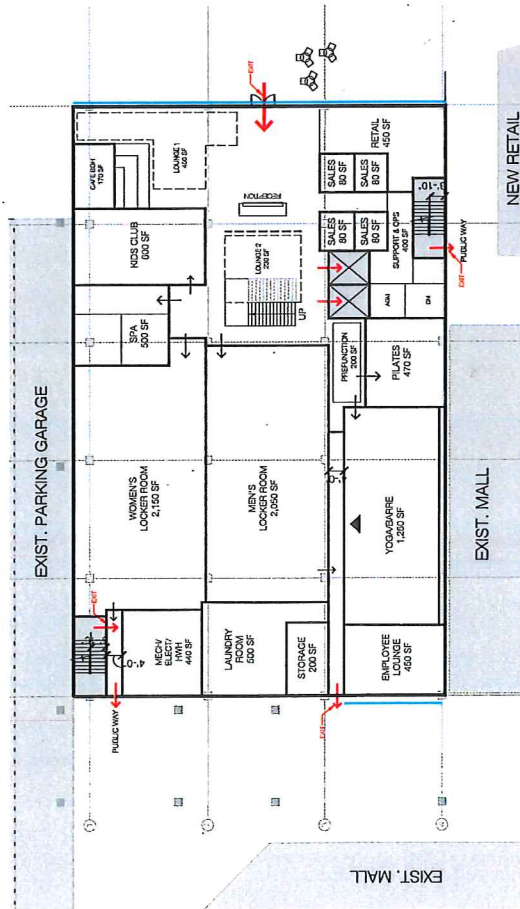
	Open to Customers	Close to Customers
Sunday	11:00 am	8:00 pm
Monday	12:00 pm	11:00 pm
Tuesday	12:00 pm	11:00 pm
Wednesday	12:00 pm	11:00 pm
Thursday	12:00 pm	11:00 pm
Friday	12:00 pm	10:00 pm
Saturday	11:00 am	8:00 pm

4. SECURITY, MAINTENANCE, AND OPERATIONS PLAN. The operations of the bar shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning and Development Services Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Division. At least ten (10) days before any operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Division. Where the provisions of a Public Safety Plan (PSP) conflict with the SMOP,

the provisions that establish the higher standard for protection of public health and safety shall prevail.

ADMINISTRATIVE/PROCESS

5. **CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW.** Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
6. **CHANGES IN OWNERSHIP.** Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



SEATING COUNTS AND SQUARE FOOTAGE FOR ALCOHOL

THIRD FLOOR:	8,500 SF	110 SEATS
FOURTH FLOOR:	5,400 SF	119 SEATS
TOTAL	13,900 SF	229 SEATS

LEGEND

OUTLINE OF ALCOHOL ZONE



Exhibit A to
Attachment 1

Health Club - CUP

4724 N. Goldwater, Scottsdale, AZ

Application Narrative

An application is respectfully submitted for a Conditional Use Permit to allow a bar that offers alcoholic beverages for sale, located within, and as accessory to, the Health Club to be constructed near the new luxury entrance at Scottsdale Fashion Square Mall.

The proposed Bar will operate in conjunction with a Café, serving light food and healthy non-alcoholic beverages. The Café food and Bar alcoholic beverages service and preparation is located on the 3rd floor, adjacent to an outdoor swimming pool and open terrace, with lounges and seating. Additional dining and seating areas for food and alcohol beverage service is available on the 4th floor in an enclosed work area and adjacent terraces.

Patrons of the Café and Bar will enter through the Health Club lobby and reception area on the ground floor, which connects with the 3rd and 4th floor by way of elevators and internal stairwell. The Bar alcohol offering will include beer, wine and liquor.

The proposed Bar meets each of the Conditional Use Permit criteria, specified in Section 1.401 of the Zoning Ordinance, as indicated in following responses:

Sec. 1.401. – Issuance

Conditional use permits, which may be revocable, conditional or valid for a specified time period, may be granted only after the Planning Commission has made a recommendation and the City Council has found as follows:

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

Response: *the proposed Bar will be designed and implemented to create a calm, enjoyable environment. This is NOT intended as a 'night-club' type environment, rather a relaxing, calming space to relax, swim, sun-bath and socialize. The proposed Bar will not generate smoke, dust or vibration and any illumination will be limited to warm, relaxing, dimmed types.*

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.

Response: *the proposed Bar will not generate any unusual volume or character of traffic, as its patrons will consist of the visitors and members of the Health Club and other retail and service providers within the Mall.*

2. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

Response: *the proposed Bar is located within a permitted Health Club in the Scottsdale Fashion Square Mall. The Bar's characteristics are compatible with the types and mix of uses in the surrounding areas, such as restaurants and cafes, luxury retail shops, entertainment and business services.*

- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

Response: *as narrated below.*

The proposed Bar meets each of the Conditional Use Permit criteria, specified in Section 1.403 of the Zoning Ordinance, as indicated in following responses:

Sec. 1.403. - Additional conditions for specific conditional uses.

- C. Bars, cocktail lounges, and/or after hours establishments.

1. The use shall not disrupt existing balance of daytime and nighttime uses.

Response: *the proposed Bar will be located within the permitted Health Club on the 3rd floor and will operate within the Health Club hours. The hours will not disrupt the balance of daytime and nighttime uses as it is not intended to replace any of the existing daytime and nighttime uses*

2. The use shall not disrupt pedestrian-oriented daytime activities.

Response: *the proposed Bar will operate in conjunction with the Health Club, will be located on the 3rd floor and, as such, will create no disruption to pedestrian-oriented daytime activities.*

3. If the site is located within the Downtown Overlay District D-O then:

- a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.

Response: *the proposed Bar will be located within the Health Club and will not displace any existing daytime retail uses, but rather provide a diversified food and beverage offerings to the patrons of retail uses in the Mall. The location of the Health Club will not displace any existing retail establishment(s).*

- b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.

Response: *parking for the proposed Bar will be provided on the same property, within the Mall's parking garage and surface lots.*

4. If the use is located within five hundred (500) feet of a residential use or district then:

- a. The use shall not adversely impact residential uses.
- b. The use shall provide methods of buffering residential uses.

Response: *the proposed Bar is located within the Health Club and serves as a complementary amenity to the Club members and visitors. Unlike typical restaurant and night club bars, the proposed Health Club Bar is intended to provide additional space to relax, calm down and socialize after extensive work outs. The use is harmonious with the adjacent land uses. The Fashion Square Mall provides enhanced and tasteful landscaping and other physical barriers that protect and buffer residents from any potential impacts of commercial uses in the Mall. In addition, the Café and Bar are to be located on the 3rd floor of the Health Club, and be bounded by walls, including additional landscaping, so as not to be visible to the adjacent residential uses.*

5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.

Response: *A management, security and operations plan will be submitted to Scottsdale Police Department, and upon approval will be implemented, maintained and enforced.*

6. The property owner shall create a written exterior refuse control plan for approval by the City.

Response: *See attached documentation for the plan parameters and a site plan noting the location of the trash compactor that is to be used.*

7. The property owner shall demonstrate how noise and light generated by the use shall be mitigated.

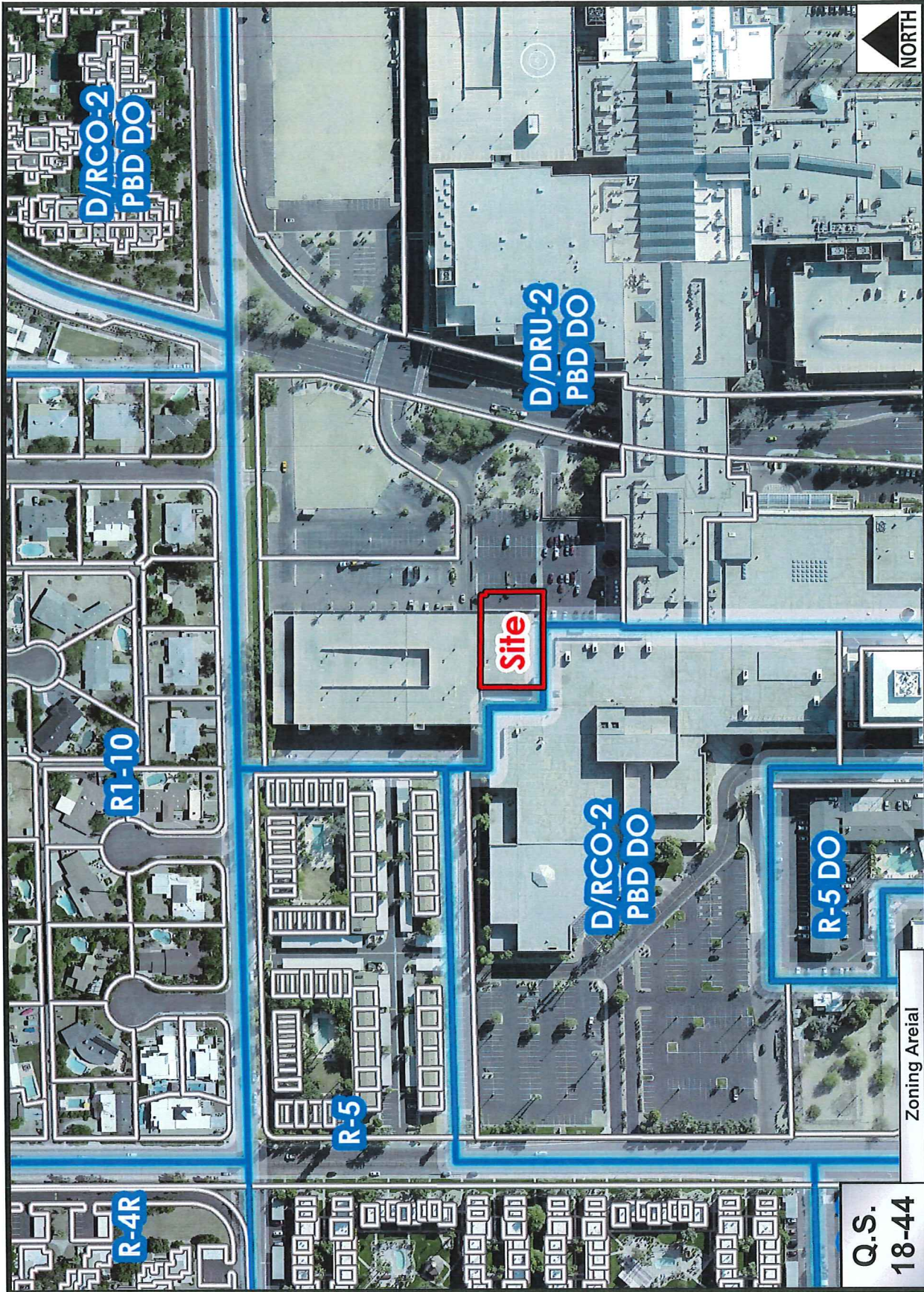
Response: *the proposed Bar will be designed and implemented to create a calm, enjoyable environment. This is not intended as a 'night-club' type environment, rather a relaxing, calming space to relax, swim, sun-bath and socialize. The proposed Bar will not generate more noise than any other permitted uses in the Mall and any illumination will be limited to warm, relaxing, dimmed types. Additionally, the noise if the Bar will be limited to calm background music. Small speakers will be strategically located in nearby seating areas and positioned to avoid the need to throw sound far distances, allowing speakers to be operated a lower sound levels and reducing the amount of sound leaving the Bar area. Electronic controls will be included in the sound system design to help reduce the impact on adjacent and nearby spaces.*

8. The use shall conform to the parking requirements of Article IX and shall not exceed capacity for traffic in the area.

Response: *the parking requirements for the proposed Bar are the same as for all other uses since it is part of the overall Fashion Square mixed-use development. Fashion Square has a master parking plan for the mall which parks the whole mall as a single mixed-use development.*

9. After hours establishments must maintain a valid after hours establishment license.

Response: *after hours establishment is any business which is open to patrons during the hours of 1:00 am to 6:00 am. The proposed Bar will not be open during these hours.*



1-UP-2019

Health Club - Cup

Zoning Aerial



March 4, 2019

Dear Property Owner:

In our ongoing efforts to ensure that Scottsdale Fashion Square is the most luxurious and exciting experience in the Valley, we are pleased to notify you of our request (935-PA-2018) with the City of Scottsdale for a Conditional Use Permit on Pad F of the Luxury Wing (4724 N. Goldwater Blvd.). This application is for approval of a Conditional Use Permit for the service of alcohol in connection with the proposed new health club use (please see attached site plan and elevation). The zoning on the site is D/DRU-2 PBD DO and will not be changing as part of this application.

A future public hearing will be held and notification by the City of Scottsdale will be mailed to nearby property owners. A public hearing sign with dates and times will also be posted on site.

Please feel free to contact me or the City of Scottsdale with any questions. Please see the contact information below.

Thank you.

A handwritten signature in black ink, appearing to read "Andy Greenwood", written over the printed contact information.

Applicant Contact:

Andy Greenwood
(602) 953-6338
Andy.Greenwood@Macerich.com

City Staff Contact:

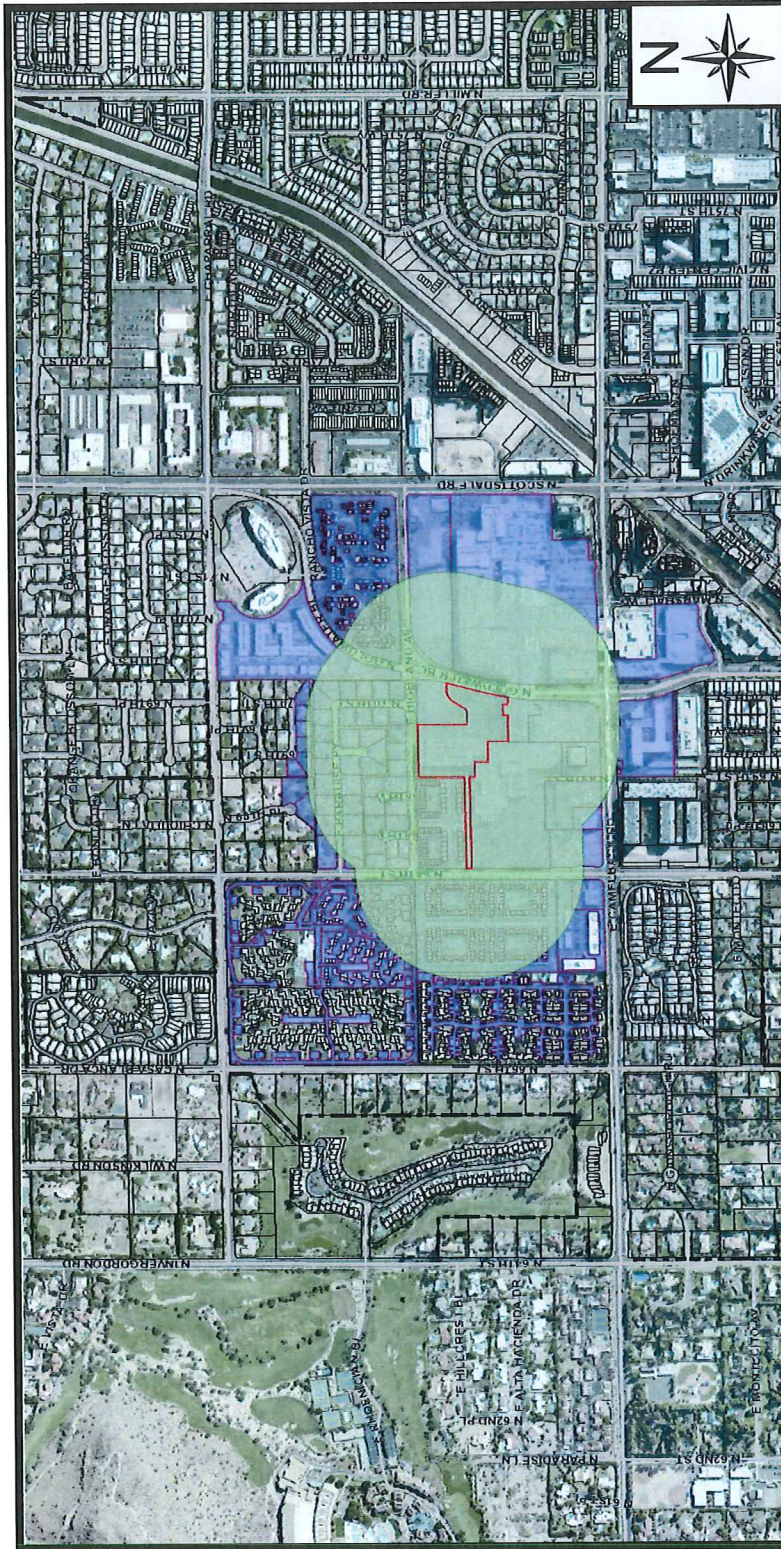
Bryan Cluff
(480) 312-2258
BCluff@ScottsdaleAZ.gov

SENT 3/4 TO REQUIRED LIST.

1-UP-2019
3/6/19

City Notifications – Mailing List Selection Map

Health Club - Cup



Map Legend:

Site Boundary

Properties within 750-foot

1-UP-2019

Postcards: 668

Pulled Labels
March 7, 2019

Additional Notifications:

Interested Parties List

Adjacent HOA's

P&Z E-Newsletter

Facebook

Twitter

Nextdoor.com

City Website-Projects in the hearing process